

grossed Bills, have had S. B. No. 482 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, April 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 238 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, April 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 346 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, April 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 507 carefully examined and compared and find some correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, April 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 499 carefully examined and compared and find same correctly engrossed.

#### Committee Reports.

Committee Room,

Austin, Texas, April 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 259, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two-year period beginning September 1, 1931, and ending August 31, 1933, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute Bill for Senate Bill 259 do pass in lieu thereof and that the substitute bill be printed, and that the original bill be not printed.

BECK, Chairman.

Committee Room,

Austin, Texas, April 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 332, A bill to be entitled "An Act to amend Section 16a, of Article 8308, Revised Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON, Chairman.

#### SIXTY-SECOND DAY.

(Continued.)

Senate Chamber,

Austin, Texas,

April 23, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### S. C. R. No. 38.

Senator Holbrook sent up the following resolution:

Be it resolved by the Senate, the House of Representatives Concurring, that H. C. R. No. 50 be returned to the Senate for further consideration.

HOLBROOK.

Read and adopted.

#### Notice of Intent.

Senator Greer gave notice that tomorrow he would call up the motion spread on the Journal to reconsider the vote by which S. B. No. 100 was finally passed.

#### Senator Excused.

Senator Woodward was excused for the day on account of illness, on motion of Senator Hornsby.

**House Bill No. 335.**

The question recurred on the pending amendment by Senator Woodward to H. B. No. 335.

On motion of Senator Woodul, consideration of the bill was passed for the time being.

**Senate Bill No. 202.**

The Chair laid before the Senate as special order the following bill:

By Senators Neal, Stevenson, Patton, Thomason, Greer, Parr:

S. B. No. 202, A bill to be entitled "An Act providing for the employment of county supervisors of rural schools; exempting counties making provision for the employment of supervisors from the provisions of the institute law; making provision for the payment of the salaries and expenses of supervisors; repealing all laws in conflict herewith; and declaring an emergency."

Read second time.

On motion of Senator Stevenson, the bill was laid on the table subject to call.

**Senate Bill No. 378.**

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Cousins:

S. B. No. 378, A bill to be entitled "An Act creating a division under the State Department of Agriculture, for the purpose of grading and standardizing rough rice, and giving the Commissioner of Agriculture authority of appointing inspectors."

Read second time.

On motion of Senator Cousins, the bill was laid on the table subject to call.

**Senate Bill No. 279.**

The Chair laid before the Senate as special order the following bill:

By Senator Moore:

S. B. No. 279, A bill to be entitled "An Act to amend Section 4, 5, 6, 7, 8, 9, 10, and 18 of Chapter 282, S. B. No. 82, Acts of the Regular Session, Forty-first Legislature, and declaring an emergency."

The committee report was adopted.

Read second time.

Senator Moore sent up the following amendment:

Amend S. B. No. 279, page 4, by striking out lines 10 to 14, inclusive, and substituting in lieu thereof the following:

"The exploratory term of the lease as determined by the Board prior to the promulgation of the advertisement shall in no case exceed five (5) years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term, unless by unanimous vote of Members of the Board such lease may be extended for a period of five (5) years, which lease may be extended where the Board finds that there is likelihood of oil being discovered thereon by leasees, and that such leasees have proceeded with diligence to protect the interest of the State; provided, however, that if oil and/or gas is being produced in paying quantities from the premises, said lease shall continue in force and effect as long as such oil and/or gas is being so produced."

MOORE.

The amendment was read.

Senator Pollard sent up the following substitute for the amendment:

Substitute for the pending amendment the following:

Amend Section 5 of Senate Bill No. 279 by striking out the word "ten" in line 12 of page 4 of the bill printed by advance printing and inserting in lieu thereof the word "five."

POLLARD,  
NEAL.

The substitute was read.

Senator Purl moved the previous question on the substitute. The motion failed to receive the proper seconding.

The substitute was lost by the following vote:

Yeas—12.

Cunningham.	Oneal.
DeBerry.	Patton.
Greer.	Poage.
Loy.	Pollard.
Martin.	Purl.
Neal.	Thomason.

Nays—12.

Berkeley.	Hopkins.
Cousins.	Hornsby.
Gainer.	Moore.
Holbrook.	Parr.

Parrish.  
Russek.

Small.  
Stevenson.

Absent.

Beck.  
Hardin.  
Rawlings.

Williamson.  
Woodul.

Absent—Excused.

Woodruff.

Woodward.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

S. B. No. 255, A bill to be entitled  
"An Act amending Article 29 of the  
Code of Criminal Procedure, so as  
to provide for the trial of misde-  
meanors upon complaint, without  
an information, in counties having  
no county attorney; and declaring an  
emergency."

(With amendments.)

S. B. No. 261, A bill to be entitled  
"An Act to amend Article 768 of the  
Code of Criminal Procedure of the  
State of Texas of 1925, vesting in  
Trial Judges discretionary authority  
to credit defendants in criminal  
cases with time spent in jails await-  
ing trial; and declaring an emer-  
gency."

S. B. No. 276, A bill to be entitled  
"An Act to validate all annexations  
of one independent school district to  
another independent school district  
made pursuant to elections held in  
each of such district on the same  
day, wherein and whereby at the  
election so held in the independent  
school district seeking to be annexed  
to such other district a majority of  
the tax paying voters voting at such  
election voted for such annexation,  
and likewise voted to subject all  
property subject to taxation in such  
independent school district to the  
same rate of taxation applicable in  
such independent school district to  
which such annexation was sought to  
be made, and wherein and whereby  
at the election so held in the inde-  
pendent school district to which such  
other independent school district was  
sought to be annexed a majority of  
the tax paying voters voting at such  
election voted in favor of such an-

nexation and likewise voted for the  
assumption of all of the outstand-  
ing bonded indebtedness of such  
other independent school district  
sought to be annexed; and likewise  
validating all acts of county boards  
of trustees approving any and all  
annexations made by one independent  
school district of another indepen-  
dent school district pursuant to such  
elections so held in such respective  
independent school districts; and val-  
idating all taxes levied and assessed  
by any independent school district  
to which another independent school  
district has been annexed in any such  
manner in each instance where such  
annexation has been approved by the  
county board of trustees of the  
county wherein such district is lo-  
cated and declaring an emergency."

S. B. No. 280, A bill to be entitled  
"An Act conferring upon the Board  
of Regents of the University of Texas  
authority heretofore vesting in the  
board for lease of university lands  
under Sections 2 and 15 of Chapter  
282 of the General and Special Laws  
of the Regular Session of the Forty-  
first Legislature, and also conferring  
on said Board of Regents certain au-  
thority in connection with employing  
help needed in connection with mat-  
ters covered by said Chapter 282 and  
under this Act; making an appropria-  
tion of certain moneys to be used in  
the performance of duties under this  
Act; and declaring an emergency."

(With amendments.)

S. B. No. 195, A bill to be entitled  
"An Act to amend Article 5714 of  
the Revised Civil Statutes of the  
State of Texas of 1925 by adding  
thereto the following, to-wit: 'Pro-  
vided the specifications and toler-  
ances issued by the Commissioner of  
Agriculture for weighing and meas-  
uring devices in conformity with this  
article, or any specifications or tol-  
erances issued to protect the public  
from fraud, shall have the same force  
and effect as if enacted into law;  
and provided further any person,  
firm, or corporation who shall fail or  
refuse to comply with said specifica-  
tions and tolerances shall be deemed  
guilty of a misdemeanor and upon  
conviction shall be fined not less than  
ten dollars (\$10.00) nor more than  
two hundred dollars (\$200.00);' and  
declaring an emergency."

S. B. No. 196, A bill to be entitled

"An Act making an appropriation for the re-roofing, repairing and equipping of the old Land Office building, and declaring an emergency."

(With amendments.)

S. B. No. 219, A bill to be entitled "An Act for the prevention of the fraudulent operation or use of automatic vending machines, coin-box telephones or coin receptacles, or making or furnishing devices to defraud owners, lessees or licensees of the same, and prescribing penalties for the violation of the provisions thereof; and declaring an emergency."

(With amendments.)

S. B. No. 395, A bill to be entitled "An Act repealing an Act of the Thirty-ninth Legislature approving a compact entered into on February 10, 1925, by Commissioner of State of Texas with Commissioner of State of New Mexico relating to the storage, division and use of the waters of the Pecos River in the State of Texas and New Mexico."

S. B. No. 235, A bill to be entitled "An Act declaring the public policy of this State with respect to provisions in Deeds of Trust, Debentures, mortgages, assignments and transfer of property, executed to secure the payment of bonds, debentures or other obligations issued thereunder vesting in the trustee named therein, the exclusive right to institute any and all suits, at law or in equity, necessary or proper to enforce the covenants and agreements therein made, or to liquidate the trust therein created, and denying to the holders of such bonds, debentures or obligations, the right to institute or prosecute such suit or suits, and declaring an emergency."

H. B. No. 515, A bill to be entitled "An Act to amend Section 2, Chapter 74, Acts of the Fifth Called Session, Forty-first Legislature, and providing the effective date hereof, and declaring an emergency."

H. B. No. 550, A bill to be entitled "An Act amending Articles 1034 and 1035 of the Code of Criminal Procedure of 1925, so as to hereafter make the approval of officers' felony accounts to be made by the district judge, subject to and conditioned with the approval of the State Comptroller; providing for the recording of such approval in the minutes of

the district court; providing that the district clerk shall make a certified copy from the minutes of said court of said bill and the action of the judge thereon, and the sending of the same by registered mail to the Comptroller, etc., and declaring an emergency."

H. B. No. 592, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of 1925, as amended by Acts, 1930, Forty-first Legislature, Fourth Called Session, page 30, Chapter 20; said article relating to fees and compensations of county, district and precinct officers; declaring an emergency, and providing that this act shall become effective from and after its passage."

H. B. No. 595, A bill to be entitled "An Act to amend Article 3269 of the Revised Civil Statutes of 1925, providing for procedure and practice in suits against those having the right of eminent domain on property, damages to property, or injunction, and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act amending Article 7058, Revised Statutes of 1925, and declaring an emergency."

H. B. No. 664, A bill to be entitled "An Act to amend Article 2905, Revised Civil Statutes, State of Texas, 1925, conferring the authority upon the county school trustees to exercise the right of eminent domain to acquire title to real property for common school districts and independent school districts having fewer than 150 scholastics; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 677, A bill to be entitled "An Act repealing an Act of the Thirty-ninth Legislature approving a compact entered into on February 10, 1925, by the Commissioner of State of Texas with Commissioner of State of New Mexico relating to the storage, division and use of the waters of the Pecos river in the State of Texas and New Mexico."

H. B. No. 684, A bill to be entitled "An Act to amend Article 1030, Revised Civil Statutes, 1925, so as to provide that the city council of any city shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every inhabitant of said city over the age of twenty-one and under sixty years, persons exempt from the payment of the State

poll tax excepted, and declaring an emergency."

H. B. No. 704, A bill to be entitled "An Act to provide that no officer or employee of the State of Texas, any county, city, town, or village, or any municipality or political subdivision, using or accepting the benefits of any free pass or franking privilege of any railroad, interurban, motor bus or other transportation line, shall charge or collect from the State, county, city, town, village, municipality, or political subdivision, the amount he would have paid had he not used such free pass; fixing penalty, and declaring an emergency."

H. B. No. 724, A bill to be entitled "An Act to amend Article 8222, Title 128, of the Revised Civil Statutes of 1925, so as to provide for the assessment and collection of taxes to pay interest on bonds and provide a sinking fund where bonds have been issued by navigation districts, and also providing for the levy and collection of an annual tax not to exceed ten cents on the one hundred dollars valuation for maintenance, operation and upkeep of such navigation districts, providing for method of fixing the rate and levy of said tax and prescribing the property upon which said taxes shall be levied; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 749, A bill to be entitled "An Act requiring the Game, Fish and Oyster Commission to set aside and designate portions of the fresh water lakes, streams, creeks, rivers, lagoons and ponds of this State as fish sanctuaries for the propagation in their natural state of fresh water fish, etc., and declaring an emergency."

H. B. No. 798, A bill to be entitled "An Act to amend Article 1119 of the Revised Civil Statutes of 1925 so as to change the population of towns coming within the scope of 2000 to 1000, and declaring an emergency."

H. B. No. 867, A bill to be entitled "An Act to amend Article 775 of Chapter 3, Title 9, of the Code of Criminal Procedure of Texas of 1925, prescribing when the sentence shall be an indeterminate sentence, and fixing the time a penitentiary sentence shall begin to run, and declaring an emergency."

H. B. No. 899, A bill to be entitled

"An Act to repeal Articles 847 and 848 of the Code of Criminal Procedure of the State of Texas, 1925, and reenacting certain portions of said act and providing for additional procedure, and declaring an emergency."

H. B. No. 959, A bill to be entitled "An Act amending Article 5059, Revised Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 994, A bill to be entitled "An Act authorizing the Governor to negotiate a compact with the State of New Mexico for the purpose of cooperating with the State of New Mexico to permit school districts of incorporated towns, or union high school districts in Texas adjoining the Texas-New Mexico State line, to combine with school districts, incorporated towns and other educational subdivisions of the State of New Mexico adjoining the Texas-New Mexico State line to promote educational facilities and to permit cooperative measures to be adopted for the financing of school buildings and teachers' staffs for the same; authorizing the Governor of Texas to appoint a commissioner therefor, and providing an appropriation to defray his expenses, and declaring an emergency."

H. B. No. 303, A bill to be entitled "An Act to amend Article 2021 of the Revised Civil Statutes of Texas, 1925, so as to provide that all citations and notices mentioned in Chapter III of Title 42 of the Revised Civil Statutes of Texas, shall contain the requisites prescribed in Title 42 of the Revised Civil Statutes of Texas, 1925, and provided further that all such requisites prescribed in said Title 42 of the Revised Civil Statutes of Texas, 1925, as to requisites, issuance, service, and return of citations shall be directory and not mandatory."

H. B. No. 319, A bill to be entitled "An Act to amend Article 1977 of Revised Civil Statutes of Texas of 1925 so as to provide the requisites of pleadings of the plaintiff and the filing of amended and/or supplemental pleadings in cases against non-residents, transient persons, and persons whose whereabouts are unknown, and declaring an emergency."

H. B. No. 386, A bill to be entitled "An Act to amend Section 1, Chapter 47, General and Special Laws, Forty-first Legislature, First Called

Session, by adding thereto Section 1a, providing for the transfer of territory and the organization of school districts, and declaring an emergency."

H. B. No. 419, A bill to be entitled "An Act amending Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by Acts of Regular Session of the Forty-first Legislature, by adding the following new articles numbered as follows: Articles 5736a, 5736b, 5736c, 5736d and 5726e, establishing Babcock test as official dairy test for butter fat; providing for methods of operating said test, etc., and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act authorizing suits to be brought and maintained against persons owning or claiming any interest in lands, in cases (a) when land or any interest therein has been or may hereafter be conveyed by written instrument to any person as trustee and in such conveyance or instrument constituting source of title the names of the persons taking or holding the beneficial or equitable title are not disclosed and are unknown, and (b) when land or an interest therein has been conveyed by written instrument to an association, joint stock company or partnership, and after such conveyance said association, joint stock company or partnership has been dissolved and the names of the persons owning, acquiring or becoming the owners of the assets and lands of such association are not disclosed in such conveyance and are unknown; providing how such unknown persons shall be made parties; prescribing the procedure in such cases, and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act regulating the filing and recording of maps and plats of subdivisions and re-subdivisions of real estate and conveyances of a subdivision or part thereof without duly authorized map thereof on record, and prescribing penalties for the violation thereof, and declaring an emergency."

H. B. No. 480, A bill to be entitled "An Act defining the north white wing zone and the south white wing zone and amending Article 897a of Chapter 74, of the General and Special Laws of the Regular Session of

the Forty-first Legislature, and Article 879b of Chapter 215, of the General and Special Laws of the Regular Session of the Fortieth Legislature, which articles relate to the open season on white wing doves and quail, and declaring an emergency."

H. B. No. 504, A bill to be entitled "An Act to amend Article 3493 of the 1925 Revised Civil Statutes of the State of Texas, which article relates to the fees of office of county treasurers, providing for more adequate compensation for such treasurers in certain counties; providing for assistants for such treasurers; fixing a maximum of compensation for such assistants, and declaring an emergency."

S. B. No. 246, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the fiscal years beginning September 1, 1931, and ending August 31, 1933, as follows, to-wit: Abilene State Hospital; Austin State School; Austin State Hospital; Confederate Home; Confederate Woman's Home; Dallas State Hospital; Deaf, Dumb, and Blind Institute for Colored Youths; Girls Training School; Home for Dependent and Neglected Children; State Hospital for Crippled and Deformed Children at Galveston; State Juvenile Training School; State Orphan Home; Rusk State Hospital; San Antonio State Hospital; Galveston State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Colored Orphans Home, at Gilmer; Alabama and Coushatti Indians in Polk County, Texas; and declaring an emergency."

(With amendments as substituted.)

S. B. No. 159, A bill to be entitled "An Act to amend Title 17, Chapter 1, of the Penal Code of the State of Texas, and to amend Article 1306 of the said title and chapter defining an attempt at arson, and providing a penalty for violation of Article 1306, and declaring an emergency."

(With amendment.)

H. B. No. 150, A bill to be entitled "An Act amending Article 6204, Revised Civil Statutes of 1925, as amended by Chapter 82, General Laws of the Fifth Called Session of

the Forty-first Legislature, and amending Article 6205, Revised Civil Statutes of 1925, as amended by Chapter 153, General and Special Laws of the Forty-first Legislature, and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature; and amending Article 6221, Revised Civil Statutes, 1925, as amended by Chapter 5, General Laws of the Second Called Session of the Forty-first Legislature, and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature, etc., and declaring an emergency."

H. B. No. 170, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of 1925 as amended by House Bill No. 222, Chapter 254, Acts of the Regular Session of the Forty-first Legislature, and declaring an emergency."

S. B. No. 125, A bill to be entitled "An Act withdrawing from sale the bed of Caddo Lake and all public and school lands adjacent thereto, preserving the same to public use as a fish and game preserve and a public park; authorizing the Chairman of the Fish, Game and Oyster Commission to establish game sanctuaries thereon, not exceeding twenty per cent (20%) of the area of the water of such lake and its immediate tributaries, and empowering him and his deputies to revoke any hunting licenses granted to persons violating such sanctuaries; also, authorizing the said Chairman of the Fish, Game and Oyster Commission, in conjunction with the State Forester to investigate the feasibility of acquiring and establishing a game preserve in conjunction with the state forest in the vicinity of such lake, and declaring an emergency."

(With amendment.)

H. B. No. 979, A bill to be entitled "An Act to create a more efficient road system for Mills County, Texas, and making the commissioners of Mills County exofficio road commissioners in their respective precincts, and providing for the appointment of deputies; defining the powers and duties of the commissioners' court with reference to roads and bridges; providing for the appointment of road overseers, and defining their duties, and providing for and fixing their compensation for certain labor; pro-

viding penalties for the violation of this Act, etc., and declaring an emergency."

H. B. No. 992, A bill to be entitled "An Act establishing a county law library in certain counties; providing a fund to be administered by the commissioners' court to be raised by collecting fifty cents as costs in each case hereafter filed in civil or criminal county and/or district courts; providing for appointment of a custodian or librarian, and his salary; providing for housing and management, and declaring an emergency."

H. B. No. 996, A bill to be entitled "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-first Legislature, Regular Session, Chapter 112, page 256, relating to the fees of the county attorney in any county having a population in excess of 100,000 inhabitants where there is no district attorney, so as to include any county having less than 100,000 inhabitants, but containing a city with a population in excess of 50,000 inhabitants, according to the last preceding Federal census and each succeeding Federal census thereafter, where there is no district attorney; providing a maximum compensation payable to him out of the fees collected by such county attorney, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Free Conference Requested.

On motion of Senator Beck, the Senate refused to concur in House amendments to S. B. No. 246 and asked for the appointment of a Free Conference Committee.

#### Motion to Concur.

On motion of Senator Hornsby, the Senate concurred in the House amendment to S. B. No. 196 by the following vote:

Yeas—28.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Moore.

Neal.	Rawlings.
Oneal.	Russek.
Parr.	Small.
Patton.	Stevenson.
Poage.	Thomason.
Pollard.	Williamson.
Purl.	Woodul.

Absent—Excused.

Parrish.	Woodward.
Woodruff.	

#### Conference Committee Appointed.

The Chair appointed the following on the part of the Senate as members of the Free Conference Committee on S. B. No. 246:

Senators Beck, Hornsby, Oneal, Purl and Woodruff.

#### House Bills Referred.

H. B. No. 471 referred to Committee on Civil Jurisprudence.

H. B. No. 595 referred to Committee on Civil Jurisprudence.

H. B. No. 319, referred to Committee on Civil Jurisprudence.

H. B. No. 303 referred to Committee on Civil Jurisprudence.

H. B. No. 170 referred to Committee on Civil Jurisprudence.

H. B. No. 992 referred to Committee on Civil Jurisprudence.

H. B. No. 473 referred to Committee on Criminal Jurisprudence.

H. B. No. 550 referred to Committee on Criminal Jurisprudence.

H. B. No. 867 referred to Committee on Criminal Jurisprudence.

HH. B. No. 899 referred to Committee on Criminal Jurisprudence.

H. B. No. 959 referred to Committee on Criminal Jurisprudence.

H. B. No. 504 referred to Committee on Counties and County Boundaries.

H. B. No. 592 referred to Committee on Counties and County Boundaries.

H. B. No. 996 referred to Committee on Counties and County Boundaries.

H. B. No. 515 referred to Committee on State Affairs.

H. B. No. 150 referred to Committee on State Affairs.

H. B. No. 480 referred to Committee on State Affairs.

H. B. No. 648 referred to Committee on State Affairs.

H. B. No. 677 referred to Committee on State Affairs.

H. B. No. 724 referred to Committee on State Affairs.

H. B. No. 749 referred to Committee on State Affairs.

H. B. No. 684 referred to Committee on Towns and City Corporations.

H. B. No. 704 referred to Committee on Towns and City Corporations.

H. B. No. 798 referred to Committee on Towns and City Corporations.

H. B. No. 979 referred to Committee on State Highways and Motor Traffic.

H. B. No. 664 referred to Committee on Educational Affairs.

H. B. No. 994 referred to Committee on Educational Affairs.

H. B. No. 386 referred to Committee on Educational Affairs.

H. B. No. 419 referred to Committee on Agricultural Affairs.

#### Motion to Concur.

Senator Neal moved to concur in House amendments to S. B. No. 125. The motion prevailed by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Woodruff.	Woodward.
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#### House Bill No. 996.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 996, A bill to be entitled "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-first Legislature, Regular Session, Chapter 112, page 256, relating to the fees of the county attorney in any county having a population in



excess of 100,000 inhabitants where there is no district attorney, so as to include any county having less than 100,000 inhabitants, but containing a city with a population in excess of 50,000 inhabitants, according to the last preceding Federal census and each succeeding Federal census thereafter, where there is no district attorney; providing a maximum compensation payable to such county attorney, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 996 was put on its second reading by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Woodruff. Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 996 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Loy.
Berkeley.	Martin.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Poage.
Hopkins.	Pollard.
Hornsby.	Purl.

Rawlings.	Thomason.
Russek.	Williamson.
Small.	Woodul.
Stevenson.	

Absent—Excused.

Woodruff. Woodward.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Parr.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Woodruff. Woodward.

Motion to Concur.

On motion of Senator Martin, the Senate concurred in House amendments to S. B. No. 269.

On motion of Senator Rawlings, the Senate concurred in House amendment to S. B. No. 159 by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Parr.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Woodruff. Woodward.

Simple Resolution No. 117.

Senator Parrish sent up the following resolution:

Be it resolved by the Senate that the House of Representatives is hereby requested and directed to return S. B. No. 595 to the Senate for further consideration.

PARRISH.

Read and adopted.

### Recess.

On motion of Senator Hornsby, the Senate, at 12:10 o'clock p. m., recessed until 2 o'clock p. m.

### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Senator Purl.

### Senate Bill No. 279.

The question recurred upon the pending amendment to S. B. No 279.

Senator Oneal sent up the following amendment to the amendment:

Amend the Moore amendment by striking out the words in line 8 the words "for a period of five (5) years," and insert in lieu thereof the words "for any period less than two years."

ONEAL.

The amendment to the amendment was read.

Senator Moore moved to table the amendment to the amendment. The motion was lost by the following vote:

Yeas—11.

Beck.	Hornsby.
Berkeley.	Moore.
Cousins.	Parr.
Gainer.	Stevenson.
Holbrook.	Woodul.
Hopkins.	

Nays—11.

DeBerry.	Parrish.
Greer.	Patton.
Loy.	Poage.
Martin.	Pollard.
Neal.	Rawlings.
Oneal.	

Present—Not Voting.

Purl.

Absent.

Cunningham.	Small.
Hardin.	Thomason.
Russek.	Williamson.

Absent—Excused.

Woodruff.

Woodward.

The amendment to the amendment was lost by the following vote:

Yeas—10.

DeBerry.	Oneal.
Greer.	Parrish.
Loy.	Poage.
Martin.	Pollard.
Neal.	Rawlings.

Nays—13.

Beck.	Parr.
Berkeley.	Purl.
Cousins.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hopkins.	Williamson.
Hornsby.	Woodul.
Moore.	

Absent.

Cunningham.	Patton.
Hardin.	Thomason.

Absent—Excused.

Woodruff.

Woodward.

Senator Oneal sent up the following amendment to the amendment:

Add to the Moore admendment and at the end of same the following: "provided that no extension may be made by the Board until the last ten days of the original term of lease; and provide further that no extension of a lease may be made by the Board without first giving 30 days notice in writing to every member of the Board of Regents and to the Governor of Texas of the intention to make such extension, setting forth in said notice the name and postoffice address of each lessee to whom an extension is to be made; a description of the land covered by the lease; and the reasons for which the extension is to be made. Any extension made without such notice shall be void as to any person or corporation claiming any interest therein or thereunder."

ONEAL.

The amendment to the amendment was read.

Senator Moore sent up the following substitute for the amendment to the amendment:

"Provided that not extension hereunder may be made by the Board

until the last ten days of the original term of the lease."

MOORE.

Read and adopted by the following vote:

Yeas—13.

Beck.	Hornsby.
Berkeley.	Moore.
Cousins.	Parr.
Gainer.	Purl.
Hardin.	Stevenson.
Holbrook.	Woodul.
Hopkins.	

Nays—12.

Cunningham.	Oneal.
DeBerry.	Parrish.
Greer.	Patton.
Loy.	Poage.
Martin.	Pollard.
Neal.	Rawlings.

Absent.

Russek.	Thomason.
Small.	Williamson.

Absent—Excused.

Woodruff.	Woodward.
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Senator Pollard sent up the following substitute for the pending amendment:

Amend the substitute for the pending amendment as substituted by adding the following:

"No extension shall ever be granted without competitive bidding as provided for herein."

POLLARD.

The substitute was read.

Senator Holbrook moved to table the substitute. The motion prevailed by the following vote:

Yeas—15.

Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Purl.
Holbrook.	Russek.
Hornsby.	Stevenson.
Martin.	Williamson.
Moore.	Woodul.
Parr.	

Nays—10.

Cunningham.	Oneal.
DeBerry.	Poage.
Greer.	Pollard.
Loy.	Rawlings.
Neal.	Thomason.

Absent.

Beck.	Hopkins.
Hardin.	Small.

Absent—Excused.

Woodruff.	Woodward.
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The amendment to the amendment as substituted was adopted.

The amendment as amended was adopted by the following vote:

Yeas—16.

Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Purl.
Holbrook.	Russek.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodul.

Nays—7.

Cunningham.	Poage.
DeBerry.	Pollard.
Greer.	Rawlings.
Oneal.	

Absent.

Beck.	Loy.
Hardin.	Parrish.
Hopkins.	Small.

Absent—Excused.

Woodruff.	Woodward.
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Senator Oneal sent up the following amendment:

Amend Section 8 of Senate Bill No. 279 by striking out the following language, beginning in line 18, page 5 of the bill printed by advance printing, to-wit: "A majority of the Board shall have power to set in all cases, except where otherwise herein provided." And insert in lieu thereof the following: "All acts of the Board shall be by unanimous vote of the entire Board."

ONEAL.

Read and adopted.

Senator Pollard sent up the following amendment:

Amend S. B. No. 279, by striking out the words "ten cents" in line 4, page 3, and insert in lieu thereof the words "\$1.00."

POLLARD.

The amendment was read.

Senator Moore moved to table the amendment. The motion prevailed by the following vote:

## Yeas—16.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Purl.
Holbrook.	Russek.
Hornsby.	Stevenson.
Martin.	Williamson.
Moore.	Woodul.

## Nays—8.

DeBerry.	Poage.
Greer.	Pollard.
Neal.	Rawlings.
Oneal.	Thomason.

## Absent.

Beck.	Loy.
Hardin.	Small.
Hopkins.	

## Absent—Excused.

Woodruff.	Woodward.
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On motion of Senator Williamson the previous question was ordered on the further consideration of the bill.

The bill was passed to engrossment.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 279 was put on its third reading and final passage, by the following vote:

## Yeas—22.

Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodul.

## Nays—3.

Oneal.	Rawlings.
Poage.	

## Absent.

Beck.	Loy.
Hopkins.	Small.

## Absent—Excused.

Woodruff.	Woodward.
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Read third time and finally passed by the following vote:

## Yeas—21.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

## Nays—5.

Cunningham.	Poage.
DeBerry.	Rawlings.
Oneal.	

## Absent.

Hopkins.	Small.
Loy.	

## Absent—Excused.

Woodruff.	Woodward.
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## Reason for Vote.

I voted against the Moore amendment to Section Five of Senate Bill No. 279, giving the Lease Board authority to renew for five (5) years oil leases on University lands, because this policy is wholly at variance with sound public policy, will tend to tie up the oil and gas leases and ultimately delay development. Further, the result of this policy, if followed by any Lease Board in the future, will tend to let speculators get title to leases on University lands and hold the same for speculation purposes to the great financial loss of the University of Texas. And I voted against the passage of said bill 279 because of this provision in the bill and because the previous question was moved before I could offer certain other amendments that I intended to offer, further changing the provisions of the bill.

ONEAL.

## Messages from the House.

Hall of the House of Representatives,  
Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has adopted the Free Conference Committee report on S. B. No. 17 by a vote of 104 yeas and 5 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

Senate Simple Resolution No. 117 recalling S. B. No. 595 from the House for correction.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 403, A bill to be entitled "An Act declaring the lands set apart for the endowment of the University of Texas by the Constitution of 1876, and by an Act of the Legislature of 1883, which are now unsold, to be subject to taxation for county purposes in the counties in which they are located; requiring the State Tax Board to fix the values for the purpose of taxation; directing the tax collectors of certain counties to render a report to the Comptroller; providing that the State shall pay annually to each of the counties in which said lands are located an amount equal to the tax imposed upon said land for county purposes; and declaring an emergency."

S. B. No. 372, A bill to be entitled "An Act to amend Article 4736, Revised Civil Statutes of Texas, providing that attorneys' fees recoverable for the prosecution and collection of unpaid losses under life and accident, health and accident and life, health and accident insurance policies shall be taxable as costs in suits filed thereon; and that in arriving at such reasonable attorneys' fees, the court shall consider benefits to accrue on such policies on account of such suit; and declaring an emergency."

S. B. No. 380, A bill to be entitled

"An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Civil Statutes of the State of Texas of 1925, by adding thereto subdivision 91b, so as to provide for the creation of private corporations for the purpose of acquiring, owning, subdividing, improving and selling lands from which the timber has been cut and removed, wholly or in part, for lumbering purposes, so that such lands may be so acquired, owned, subdivided, improved and sold, and repealing all laws in conflict therewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has failed to pass finally by a vote of 51 yeas and 52 nays,

S. B. No. 306, A bill to be entitled "An Act amending Article 1881 of the Revised Civil Statutes of Texas, 1925."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 1025, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office to convey, by proper instrument, all the right, title and interest of the State of Texas in and to four certain described tracts of land situated in Kerr county, Texas, to designated persons, said tracts having heretofore been donated to the State for park purposes, but no improvement made thereon, and reciting a failure of consideration, and declaring an emergency."

S. B. No. 354, A bill to be entitled "An Act providing for the payment of expenses of trial by jury in civil cases by the counties in which said cases are filed, except when such cases are transferred upon pleas of

privilege; and declaring an emergency."

S. B. No. 358, A bill to be entitled "An Act amending Section 8 of Article 8307 of the Revised Civil Statutes of the State of Texas of 1925 relating to acts of decisions of the Industrial Accident Board and the admission as evidence of its proceeding when duly attested and sealed; and declaring an emergency."

S. B. No. 359, A bill to be entitled "An Act amending Section 4 of Article 8307 of the Revised Civil Statutes of the State of Texas of 1925 relating to the administrative authority of the Industrial Accident Board, to the examination of any employee by a physician or physicians of the Board or of the Association at reasonable times and places, and authorizing the Board to subpoena witnesses, administer oaths, inquire into matters of fact, punish to contempt, examine records or parties to a proceeding, and to bar persons guilty of unethical or fraudulent conduct from practicing before the Board, and declaring an emergency."

(With amendment.)

S. B. No. 361, A bill to be entitled "An Act amending Section 19 (Section I) of Article 8306, Revised Civil Statutes of the State of Texas of 1925 relating to compensation to an employee who has been hired in this State and sustains an injury outside of the State, fixing the jurisdiction of suits filed under this section, providing that such injury shall have occurred within one year from the date such injured employee leaves this State and that no recovery shall be had if the employee has elected to pursue his remedy and recover in the State where such injury occurred and declaring an emergency."

S. B. No. 363, A bill to be entitled "An Act to provide for the sale to Port Isabel Channel, Dock & Wharf Company of certain submerged land under the waters of Laguna Madre in Cameron County, Texas, adjacent to the City of Port Isabel, etc., and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 53, designating the second week in January of each year "Soil and Water Conservation Week" without declaring a holiday.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Signed.

The Chair, Pres. Pro Tem Carl Hardin, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 996.	S. B. No. 261.
S. B. No. 235.	S. B. No. 276.
S. B. No. 395.	S. B. No. 41.
S. B. No. 95.	S. B. No. 69.
S. B. No. 371.	S. B. No. 65.
S. B. No. 195.	S. B. No. 94.
S. B. No. 196.	S. J. R. No. 26.

#### House Bill Referred.

H. B. No. 1025 referred to Committee on Public Lands and Land Office.

#### Motion to Concur.

Senator Cousins moved to concur in House amendments to S. B. No. 380. The motion prevailed.

#### House Bill No. 335.

The question recurred upon the pending amendment to H. B. No. 335. The amendment was adopted by the following vote:

#### Yeas—14.

Beck.	Oneal.
Berkeley.	Parrish.
DeBerry.	Poage.
Hardin.	Purl.
Hornsby.	Rawlings.
Loy.	Stevenson.
Moore.	Williamson.

#### Nays—10.

Cunningham.	Parr.
Gainer.	Patton.
Greer.	Ruszek.
Martin.	Tomason.
Neal.	Woodul.

Absent.

Cousins.  
Holbrook.

Hopkins.  
Small.

Absent—Excused.

Woodruff.

(Pair Recorded).

Senator Pollard (present) who would vote nay, with Senator Woodward (absent) who would vote yea.

Senator Woodul sent up the following amendments:

Amend H. B. 335, page 9, line 28, of advance printing copy, as amended, by striking out the following language found in lines 28 and 29:

"Coming under his observation."  
WOODUL.

Read and adopted.

Amend H. B. 335, page 8 in printed bill, by adding after Section 13, resetting and renumbering all the following sections, said new section to read as follows:

Sec. 14. That Section 15 of said Chapter be the same as hereby amended, by adding thereto the following section, to be known as Section 15 (a):

"Provided that any motor carrier at interest in any hearing may submit to the Commission the names and addresses of witnesses which he or it desires to use in such hearing, and it shall be the duty of the Commission to summon such witnesses."

WOODUL.

Read and adopted.

Amend House Bill No. 335 by adding after Section 11, before Section 12, page 8, of the printed bill, a new section to be numbered "Section 12," as follows:

"Section 12. That Section 12 of said Chapter be and the same is hereby amended to read as follows:

"(a) The hearing on an application for certificate or permit shall be conducted under such rules and regulations as the Commission may prescribe, and the parties interested, including the Highway Commission of this State, may appear either in person or by counsel and present such evidence and argument as they may desire and as the Commission may deem pertinent, in favor of or against the granting of such application. It shall be the duty of the Highway Commission, upon the request of the Commission, to furnish

information relating to the highway or highways designated in such application, as well as such other information as the Commission may deem pertinent to the hearing. After hearing and such investigation as the Commission may make, it shall be the duty of the Commission to grant or refuse the application, and in any contested hearing, the Commission shall along with its order, file a concise written opinion setting forth the facts and grounds for its action, and such opinion shall be admissible as evidence on any appeal taken therefrom; upon the request of any party at interest in a contested hearing of any nature, the proceedings shall be taken down and reported by a reporter under the direction of the commission.

"(b) The Commission at any time after hearing had, upon notice to the holder of any certificate or permit and after opportunity given such holder to be heard, may by its order, revoke, suspend or amend any certificate or permit issued under the provisions of this Act, where in such hearing the Commission shall find that such certificate or permit holder has discontinued operation or has violated, refused or neglected to observe the Commission's lawful orders, rules, rates or regulations or has violated the terms of said certificate; provided that the holder of such certificate or permit shall have the right of appeal as provided in this Act."

And numbering the following sections accordingly.

WOODUL.

Read and adopted.

Amend House Bill No. 335, Section 5, page 4, by striking out beginning with the word "provided" in line 14 down to the end of the paragraph in line 22, and insert in lieu thereof the following:

"Provided, however, the Commission shall, without application or hearing when this Act goes into effect, issue all motor carriers then operating lawfully under permanent certificates of public convenience and necessity heretofore issued to them, certificates in lieu of the certificates issued under the terms of the former law covering the same routes that said common carrier shall have been operating over, and no more."

WOODUL.

Read and adopted.

Amend House Bill No. 335, Section 13b, line 52, page 8, by striking out the word "monthly".

WOODUL.

Read and adopted.

Amend House Bill No. 335 by striking out Section 16d, beginning with line 30, page 9, and ending with line 8, page 10, and insert in lieu thereof the following:

"(d) The Commission shall prescribe an identification card which must be displayed within the cab of each motor vehicle setting out the certificate number, and the route or territory over which the vehicle is authorized to operate, giving the name and address of the owner of said certificate, his agent, servant, or employee, or any other person to use or display said identification card after said certificate has been canceled or disposed of. The identification card provided for herein may be in such form and contain such information as required by the Railroad Commission.

"(e) It shall be unlawful for any owner of a certificate, his agent, servant, or employee to display upon any motor vehicle the certificate number or other insignia of authority from the Railroad Commission after said certificate has expired or has been canceled.

"(f) It shall be unlawful for any motor carrier, or the owner of a certificate, or his agents, servant, or employee, directly or indirectly, to offer, permit, or give to any person directly or indirectly, any commission or other consideration to induce such person to deliver to such motor carrier or certificate owner property to be transported; and it likewise shall be unlawful for any shipper or consignee to receive from such motor carrier or certificate owner any such commission or consideration as an inducement to secure the transportation of any such property. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$200.00, and each such transaction shall constitute a separate offense.

"(g) Any common carrier motor carrier, his agent, servant, or employee who directly or indirectly gives to any shipper any rebate, or any shipper, his agent, servant, or employee who directly or indirectly receives any rebate, shall be guilty

of a misdemeanor and shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense, in any court of competent jurisdiction in this State. It being the intention of this Act that motor carrier shall in every instant collect and receive, and the shipper shall pay, only the rate or fee prescribed or approved by the Commission.

"(h) If any motor carrier, or any officer, agent, clerk, servant, or employee, or receiver, or his agents, servants, or employee, of any motor carrier operating as a contract carrier in this State, shall, directly or indirectly, or by any special right, rebate, draw-back, or other device, for or on behalf of such contract carrier, knowingly charge, demand, or contract for, collect or receive from any person, firm, or corporation a less compensation for any service rendered or to be rendered by any such contract carrier then is prescribed for said service by said Commission, such contract carrier or any officer, clerk, servant, or employee, or receiver, his agents, servants, or employee, of such contract carrier shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not to exceed Two Hundred Dollars (\$200.00) for each offense; and every person who violates or fails to comply with, or procures, aids, or abets any contract carrier in the violation of the provisions hereof shall likewise be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) for each offense."

WOODUL.

Read and adopted.

Amend H. B. No. 335, Section 7, page 6, by striking out beginning with the word "provided" in line 33 down to and including the word "law" in line 38, and insert in lieu thereof the following:

"Provided that no person now authorized by law to operate as a Class "A" or Class "B" motor carrier, and who has paid annual vehicle fees required by law of the holders of certificates or permits for the year ending September 1, 1931, shall be required to pay any additional vehicle fees or additional fees incident to the issuance of certificates or permits required in this Act, in lieu of those now required by law."

WOODUL.

Read and adopted.



Amend H. B. No. 335, Section 17(a), page 10, by striking out the word "as" at the end of line 14, and inserting in lieu thereof the words "unless otherwise."

WOODUL.

Read and adopted.

Senator Rawlings sent up the following amendments:

Amend H. B. No. 335 by striking out Section 4(b), Page 3, Lines 18 to 24, inclusive.

RAWLINGS.

Read and adopted.

Amend H. B. No. 335, Section 4(c), by striking, beginning with the words "The Commission" in Line 38 down to the end of the paragraph, Line 45, and insert in lieu thereof the following:

"The Commission is hereby authorized to collect a fee of One Dollar (\$1.00) for each annual license fee or renewal. The Commission may suspend or revoke any such license for cause after notice and public hearing. It shall be unlawful for any motor carrier to operate a motor propelled vehicle in this State unless such vehicle is operated by a driver holding an unrevoked and uncanceled license issued by the Commission."

RAWLINGS.

Read and adopted.

Amend H. B. No. 335, Section 6c, page 6, by striking out the word and figures "twelve (12)" in line 18, and inserting in lieu thereof the word and figures "sixteen (16)"; by striking out the word and figures "twelve (12)" in line 20, and inserting in lieu thereof the word and figures "sixteen (16)"; by striking out the word and figure "ten (10)" in line 21, and inserting in lieu thereof the word and figure "eight (8)"; by striking out the word and figures "twelve (12)" in line 23, and inserting in lieu thereof the word and figures "sixteen (16)."

RAWLINGS.

Read and lost by the following vote:

Yeas—5.

Cousins.  
Cunningham.  
Oneal.

Parrish.  
Rawlings.

Nays—18.

Berkeley.  
DeBerry.  
Gainer.  
Holbrook.  
Hopkins.  
Hornsby.  
Loy.  
Martin.  
Moore.  
Neal.

Parr.  
Patton.  
Poage.  
Pollard.  
Purl.  
Russek.  
Small.  
Stevenson.  
Williamson.  
Woodul.

Absent.

Beck.  
Greer.

Hardin.  
Thomason.

Absent—Excused.

Woodruff.

Woodward.

Senator Rawlings sent up the following amendments:

Amend H. B. No. 335 as amended by striking out subsections d and e as amended, and insert in lieu thereof the following subsections:

(d) "The Railroad Commission is hereby given authority to issue, upon application and hearing, to those persons who desire to engage in the business of transporting for hire over the highways of this State livestock, household goods, oil field equipment, timber when in its natural state, and grain special permits upon such terms, conditions, and restrictions as the Railroad Commission may deem proper, and make rules and regulations governing such operations keeping in mind the protection of the highways and the safety of the traveling public."

Provided that if this Act or any section, subsection, sentence, clause or phrase thereof, is held unconstitutional and invalid by reason of the inclusion of this section, the Legislature hereby declares that it would have passed this Act and any such section, subsection, clause or phrase thereof without this subsection.

RAWLINGS.

The amendment was read.

Senator Purl called for a division of the question.

The amendment was adopted.

Notice of Intent.

Senator Hopkins gave notice that he would call up his motion spread on the Journal to print S. B. No. 225 on minority report.

**Motion to Concur.**

On motion of Senator Parr, the Senate concurred in House amendment to S. B. No. 363 by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodul.

Nays—1.

DeBerry.

Absent—Excused.

Woodruff.

Woodward.

**Bill Introduced.**

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of General Bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Purl:

S. B. No. 607, A bill to be entitled "An Act to create, validate and approve Dallas County Preston Road Fresh Water Supply District No. 19, in Dallas County, Texas, and declare it to be legally constituted governmental agency and body politic and corporate, and its formation to be a benefit to all property within its bounds, and that its bounds were legally designated, and adding to its powers; authorize, validate, and approve all acts and orders of the Commissioners Court of Dallas County, Texas, and of the Board of Supervisors of the District, its officers and representatives, in the formation of the District, and the transaction of its business; to authorize, validate, and approve all notices, postings, and returns, and all elections relating to the formation of the District, and of all hear-

ings in connection therewith, and of all elections relating to or to authorizing the issuance of bonds; to authorize, validate and approve all returns, assessments, and collections of taxes to provide funds to pay interest and provide a sinking fund for the redemption of such bonds, and to pay collection expenses and other expenses of the District; to authorize and validate all actions of the District in contracting for, or in obtaining, water for the District and its inhabitants from any other municipality or governmental or corporate body or agency, or in any other manner as provided by existing laws, and to bind the District to pay for such water and to distribute and collect for same; and declaring an emergency."

Read and referred to Committee on State Affairs.

**Simple Resolution No. 118.**

Senator Gainer sent up the following resolution:

Whereas, The Women's Rest Room of the Senate is badly in need of repairs; and

Whereas, The facilities are entirely inadequate and should be remedied before another session of the Legislature; and

Whereas, The Board of Control, through Hon. Adrian Pool, has had an estimate made as to the cost of such improvements; now, therefore, be it

Resolved, That the Senate of Texas approve this expenditure of money on permanent improvements, and authorize the same to be paid out of the Contingent Expense Account of the Senate on the order of the members of the Contingent Expense Committee.

Gainer, Greer, Hardin, Woodul, Parr, Williamson.

Read and adopted.

**Motion to Concur.**

On motion of Senator Martin, the Senate concurred in House amendments to S. B. No. 219.

**Free Conference Report.**

Senator Beck sent up the following Free Conference Committee report:

Committee Room,  
Austin, Texas, April 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.  
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on S. B. No. 17, have had same under consideration and have adjusted the difference between the House and Senate, and recommend the passage of the Senate Bill with the following amendments:

Strike out the figures "\$780.00" under item "porters" wherever it appears in the bill, and insert in lieu thereof "\$720.00" for each year.

Strike out the figures "\$800.00" for each year in line 46, page 1, of the printed bill, and insert in lieu thereof "\$700.00" for each year.

Strike out the figures "\$800.00" for each year in line 62, page 1, of the printed bill, and insert in lieu thereof "\$700.00" for each year.

Strike out the figures "\$650.00" in each column in line 4, page 2, and insert in lieu thereof "\$600" for each year.

Strike out the figures "\$800.00" for each year in line 20, page 2, and insert in lieu thereof "\$700.00" for each year.

Strike out the figures "\$750.00" for each year in line 34, page 2, and insert in lieu thereof "\$650.00" for each year.

Strike out the figures "\$250.00" for each year in line 37, page 2, and insert in lieu thereof "\$200.00" for each year.

Strike out the figures "\$800.00" for each year in line 50, page 2, and insert in lieu thereof "\$700.00" for each year.

Strike out the figures "\$300.00" for each year in line 6, page 3, and insert in lieu thereof "\$250.00" for each year.

Strike out the figures "\$800.00" for each year in line 32, page 3, and insert in lieu thereof "\$700.00" for each year.

Strike out the figures "\$800.00" for each year in line 4, page 4, and insert in lieu thereof "\$700.00" for each year.

Strike out the figures "\$750.00" for each year in line 7, page 4, and insert in lieu thereof "\$650.00" for each year.

Strike out the figures "\$800.00" for each year in line 20, page 4, and

insert in lieu thereof "\$700.00" for each year.

Strike out the figures "\$2,200.00" in the first year only in line 23, page 4, and insert in lieu thereof "\$1,200.00."

Strike out the figures "\$800.00" for each year in line 24, page 4, and insert in lieu thereof "600.00" for each year.

Strike out the figures "\$1,800.00" for each year in line 33, page 4, and insert in lieu thereof "\$2,000.00" for each year.

Strike out the figures "\$1,000.00" in line 38, page 4, and insert in lieu thereof "\$1,300.00."

Strike out the figures "\$5,000.00" in line 57, page 4, and insert in lieu thereof "\$3,500.00."

Strike out the figures "\$300.00" for each year in line 22, page 5, and insert in lieu thereof "\$250.00" for each year.

Strike out the figures "\$185.00" for each year in line 46, page 5, and insert in lieu thereof "\$285.00" for each year.

Strike out the figures "\$100.00" for each year in line 47, page 5, and insert in lieu thereof "\$50.00" for each year.

Strike out the figures "\$3,000.00" for each year in line 18, page 6, and insert in lieu thereof "\$2,000.00" for each year.

Strike out the figures "\$3,500.00" for each year in line 22, page 6, and insert in lieu thereof "\$2,000.00" for each year.

By inserting between the paragraph ending on line 61, page 6, and the paragraph beginning on line 62, page 6, the following:

"Providing that all printing and stationery shall be purchased through the Board of Control, and shall be confined to such articles and qualities as selected and contracted for by the Board of Control."

By inserting between lines 36 and 37, page 7, the following:

"Provided, further, that it shall be the duty of the head of each and every department of the State Government, annually, and within sixty days after the close of the State fiscal year, to make a sworn statement, to the Governor of all amounts expended by said department, and especially list therein the total amount expended by such department for traveling expenses, and the amount

expended for purchase of automobiles, and all expenses for gasoline, oil, repairs, parts and supplies for all automobiles used by such departments; and the head of each department, simultaneously with the filing of his report with the Governor, shall forward a copy of said report to the State Board of Control."

Also, amend by changing the totals, grand totals, and grand total for the biennium, to conform to the above amendments.

Respectfully submitted,

BECK,  
PURL,  
HOLBROOK,  
HORNSBY,  
SMALL,

On the part of the Senate.

SANDERS,  
MCGILL,  
YOUNG,  
RAMSEY,

On the part of the House.

Read and adopted.

#### Free Conference Report.

Senator Pollard called up the Free Conference report on H. B. No. 474 printed on page 1118 of the Senate Journal.

The report was adopted by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Woodruff. Woodward.

#### Senate Bill No. 562.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Woodul:

S. B. No. 562, A bill to be entitled "An Act authorizing the creation of cemetery corporations for profit; per-

mitting such corporations to create and establish funds for perpetual care and maintenance of such cemeteries; exempting such corporations from the provision of Title 26, Revised Civil Statutes, 1925, under certain circumstances and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 562 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodul.

Nays—1.

DeBerry.

Absent—Excused.

Woodruff. Woodward.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Parr.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

Absent—Excused.

Woodruff. Woodward.

#### Motion to Concur.

On motion of Senator Berkeley, the Senate concurred in House

amendments to S. B. No. 403 by the following vote:

**Yeas—29.**

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Parr.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	

**Absent—Excused.**

Woodruff. Woodward.

**Senate Bill No. 202.**

Senator Neal called up from the table S. B. No. 202.

The committee amendments were adopted.

Senator Neal sent up the following amendments:

Amend S. B. No. 202 by inserting in the caption, page 1, line 12 of the printed bill, after the word "supervision," and before the word "repeal," the words "exempting certain counties."

**NEAL.**

Read and adopted.

Amend the committee amendment by striking out all of line 10, page 3, of the printed bill.

**NEAL.**

Read and adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 202 by adding a new section to read as follows: "Sec. 3a. No rural school supervisor shall be appointed for a longer period than 2 years."

**PURL.**

Read and adopted.

**Recess.**

Senator DeBerry moved to recess until 9:30 o'clock tomorrow morning. The motion prevailed and at 6:47 o'clock p. m., the Senate recessed.

**APPENDIX.**

**Petitions and Memorials.**

Senator Purl sent up the following to be printed in the Journal:

To Whom It May Concern:

Notice is hereby given that the undersigned intend to apply to the Legislature of the State of Texas, at its present regular session for the passage of a local or special law, creating and validating Dallas county Preston road fresh water supply district No. 10, all validating and approving orders made and action taken by the Commissioners Court of Dallas county and by the board of supervisors of said district in respect to the same, validating and approving the elections held, creating the district, electing supervisors and assessor and collector of taxes and authorizing the issuance of bonds and validating and approving all district bonds authorized or issued, and all steps pertaining to the same, and all actual or proposed levies of taxes to pay interest and principal of said bonds.

On behalf of the board of supervisors of the district and citizens benefitted therein.

IRA P. DeLOACHE, Pres.

W. T. HARRIS, Sec.

Printed in 'The Dallas Times Herald' March 19, 1931.

Austin, Texas, April 23, 1931.

All World War veterans and Spanish-American War veterans who are members of the Forty-second Legislature are cordially invited to attend a meeting of General Thomas Scurry Camp, United Spanish War Veterans, tomorrow evening, April 24, 8 o'clock, at Knights of Pythias Hall, East Seventh Street, just off Congress Avenue. Special entertainment and refreshments will be served by the Ladies Auxiliary to General Thomas Scurry Camp.

MISS RENA HAAS, President.

FRANK MARLEY, Commander.

**Committee on Enrolled Bills.**

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 26

carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 41 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 65 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 69 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 94 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 95 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 371 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 195 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 196 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 235 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 261 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 276 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bill, have had S. B. No. 395 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 124 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, April 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 165 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, April 23, 1931.  
Hon. Edgar E. Witt President of the Senate.

Sir: We your Committee on Agricultural Affairs, to whom was referred

S. B. No. 412, A bill to be entitled "An Act amending Article 133 of the Revised Civil Statutes 1925, raising the minimum and maximum amount of nursery inspection fees; etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 23, 1931.  
Hon. Edgar E. Witt President of the Senate.

Sir: We your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 996, A bill to be entitled "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, as amended by the Acts of the 41st Legislature, Regular Session, Chapter 112, Page 256, relating to the fees of the County Attorney in any County having a population of one hundred thousand (100,000.00) inhabitants or less, but containing a city with a population in excess of fifty thousand (50,000) inhabitants according to the last preceding Federal Census and each succeeding Federal Census thereafter, where there is no District Attorney, providing a maximum compensation payable to him out of the fees collected by such County Attorney, authorizing the reimbursement out of fees collected for certain expenses

and authorizing the employment of such County Attorney of assistants, investigators and stenographers, fixing their salaries and providing a method of payment thereof, and providing that such County Attorney may collect fees for services rendered in corporation courts and specifying such fees, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POAGE, Chairman.

Committee Room,  
Austin, Texas, April 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 950, A bill to be entitled "An Act amending Section 8 of Chapter 274 of the General Laws of the regular session of the 41st Legislature, which chapter relates to the regulation of Local Mutual Aid Associations paying death benefits operating an insurance business and paying benefits where funds are provided by assessments on members and which Section 8 thereof relates to such associations being mutual in character and providing for non-personal liability of any officer, director or member in an individual capacity by virtue of any policy issued or claims arising thereon, by adding to said Section 8 a provision authorizing such associations to issue policies of group insurance so that the same policy may cover the lives of two or more individuals who are members thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments.

STEVENSON, Chairman.

#### Committee Amendment No. 1.

Amend House Bill 950, Section 8, at the top of page 2 of the original bill, by inserting after the word "thereof" in line 1 the words, "after being approved by the board of Insurance Commissioners of Texas."

#### Committee Amendment No. 2.

Amend House Bill 950 by adding at the end of Section 8 on page 2

of the original bill, the following: "Provided, however, that every local mutual aid association operating under this law shall be required to show on each assessment notice, by printing or writing the same, the amount of money paid by it under the last death claim. And the failure of said assessment notice to contain the above information shall subject said local mutual aid association to forfeiture of its rights to do business and/or subject said local mutual aid association to a fine not exceeding \$1,000.00 or by both such forfeiture and fine upon the complaint of any member of such local mutual aid association."

Committee Room,  
Austin, Texas, April 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 87, A bill to be entitled "An Act providing that whenever any person shall procure the issuance of a policy of insurance on his or her life in any legal reserve life insurance company, and designate in writing filed with the company the beneficiary to receive the proceeds thereof, the company issuing such policy shall, in the absence of the receipt of it of notice of an adverse claim to the proceeds of the policy from one having a bona fide legal claim to such proceeds or a part thereof, pay such proceeds becoming due on the death of the insured to the person so designated as beneficiaries, and such payment so made, in the absence of such notice received by the insurance company prior to the date of the payment of the proceeds, shall discharge the company from all liability under the policy; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 597, A bill to be entitled "An Act being an Act repealing Articles 7482 and 7485 of the Revised Civil Statutes, 1925, and Section 6

of Chapter 136 of the Acts of the 39th Legislature of Texas, Regular Session, and in lieu thereof providing substantially, as follows: etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed in lieu of advance printing.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 748, A bill to be entitled "An Act prohibiting the taking of more than ten (10) squirrels in one day or the possession of more than twenty (20) squirrels at any time, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 797, A bill to be entitled "An Act making it unlawful to hunt, shoot, or kill any quail in Falls and Johnson Counties from and including January 1, through November 31 of any year, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1019, A bill to be entitled "An Act limiting the amount of white perch, crappie or bass that may lawfully be taken in one (1) day from the public fresh waters of Dallas, Henderson and Wise Counties, etc., and declaring an emergency."



Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 999, A bill to be entitled "An Act to amend Section 1, House Bill No. 574, Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1003, A bill to be entitled "An Act amending Section 1, Chapter 306, Acts Regular Session, Forty-first Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 356, A bill to be entitled "An Act to amend Article 4014, Revised Civil Statutes of 1925, which regulates reports required to be made to the Railroad Commission by corporations, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 440, A bill to be entitled "An Act to amend Article 7272, of Chapter 8, Title 122, of the Revised Civil Statutes of 1925, relating to liability of property for taxes so as to provide that a person may pay on a part of the property assessed without being required to pay on all of the property assessed; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 818, A bill to be entitled "An Act authorizing the commissioners' court of all counties adjacent to the Gulf of Mexico to issue time warrants bearing interest not exceeding eight (8%) per cent per annum to be used in the payment either by outright purchase, or after condemnation proceedings, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 434, A bill to be entitled "An Act amending Chapter 92 of the Acts of the First Called Session of the 41st Legislature of the State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

H. B. No. 312, A bill to be entitled  
"An Act requiring Commissioners'  
Courts and the governing bodies of  
cities and towns in this State to ad-  
vertise for bids on projects respect-  
ing public improvements under cer-  
tain conditions; etc., and declaring  
an emergency."

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the  
recommendation that it **do pass with**  
committee amendments.

MOORE, Chairman.

#### Amendment No. 1.

Amend H. B. No. 312, Section 2,  
in the latter part of paragraph 1, by  
adding after the word "city" in line  
13, page 3 of Engrossed Bill, these  
words:

"or when it is necessary to pre-  
serve or protect the public health  
of the citizens of such county or  
city."

#### Amendment No. 2.

Amend H. B. No. 312, Section 5  
and 6, by inserting the figure "2" im-  
mediately after the word "Section"  
and before the figure "3" where the  
word "Section" and the figure "3"  
occur in the bill.

#### Amendment No. 3.

Amend H. B. No. 312, Section 7,  
paragraph (d), so as hereafter to  
be and read as follows:

"(d) After this act becomes ef-  
fective, no item or indebtedness  
thereafter issued, except bonds and  
matured coupons thereon, and except  
items of indebtedness to be issued  
contracts made before this law be-  
comes effective, shall be funded or  
refunded except in the manner here-  
inafter in this sub-section **prescribed**,  
to-wit; "

#### Amendment No. 4.

Amend H. B. No. 312 by adding  
at the end of Section 1, the follow-  
ing:

"Nothing in this act shall be con-  
strued as to affect any bonds or  
warrants legally issued or authorized

to be issued and for which a tax has  
been levied for the payment of in-  
terest and principal thereof, prior  
to the time when this act shall be-  
come effective and under the laws  
existing at that time, but all such  
issues of bonds and warrants legally  
issued under the laws then existing  
shall be and the same are hereby  
expressly validated, nor to the mat-  
ters covered by H. B. No. 981 (Acts  
of the 42nd Legislature, Regular  
Session)."

#### Amendment No. 5.

Amend the Caption.

Committee Room,  
Austin, Texas, April 23, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Public  
Health, to whom was referred

H. B. No. 454, A bill to be entitled  
"An Act to amend Article 4469, Title  
71, Chapter 3, of the Revised Civil  
Statutes, of the State of Texas 1925,  
providing for the registration and  
registration fee of importers and  
manufacturers of foods and drugs,  
and defining manufacturers and im-  
porters; and declaring an emer-  
gency."

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the  
recommendation that it do pass.

BERKELEY, Chairman.

Committee Room,  
Austin, Texas, April 23, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Public  
Health to whom was referred

S. B. No. 78, A bill to be entitled  
"An Act amending Section 8 of the  
Acts of the 41st Legislature, Chapter  
107, relating to the practice of phar-  
macy and regulating the distribution,  
compounding, mixing, manufactur-  
ing, and selling of drugs, medicines,  
poisons, narcotics, and derivatives;  
defining poisons as used in this act;  
providing for certain exceptions, and  
declaring an emergency."

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the  
recommendation that it do not pass,  
but C. S. S. B. do pass in lieu of  
the original bill.

BERKELEY, Chairman.

Committee Room,  
Austin, Texas, April 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 79, A bill to be entitled "An Act amending Sections 15, 16, 17, and 19 of the Acts of 1929, 41st Legislature, Page 242, Chapter 107 all relating to the practice of pharmacy, and regulating the distributions, compounding, manufacturing and sale of medicines, drugs, and chemicals in the State of Texas; defining the terms pharmacists, and pharmacy, drugs and drug store; providing for exceptions from the provisions of said Act, and Chapter, and declaring an emergency."

Have had the same under consideration; and I am instructed to report it back to the Senate with the recommendation that it do not pass, but C. S. S. B. do pass in lieu of the original bill.

BERKELEY, Chairman.

## SIXTY-SECOND DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
April 24, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

### H. J. R. No. 1.

The Chair laid before the Senate on its third reading the following resolution:

By Mr. Harrison, Mr. McGill and Mr. Jackson:

H. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas by amending Section 33 and Section 40 of Article 16 of the Constitution of Texas so as to permit officers of the National Guard, the National Guard Reserve, and the Officers' Reserve Corps of the United States, and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Navy, and Marine Corps, and retired en-

listed men of the United States Army, Navy and Marine Corps, to hold public office in Texas."

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	

Nays—1.

Poage.

Absent—Excused.

Oneal.

Woodward.

### Senate Bill No. 202.

The question recurred on S. B. No. 202.

Senator Neal sent up the following amendment:

Amend S. B. No. 202, page 2, line 11, by striking out the words "with a scholastic population of fewer than 500," and inserting in lieu thereof the following: "without independent supervisors."

NEAL.

Read and adopted.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 202 by striking out the words "State Board of Education" in line 23, Section 1, page 1, and insert in lieu thereof the words "county board of trustees."

DeBERRY.

The amendment was read.

Senator Williamson moved the previous question on the amendment and the bill. The motion failed to receive the proper seconding.

Senator Neal moved to table the amendment. The motion was lost by the following vote:

Yeas—12.

Cousins.	Hornsby.
Gainer.	Martin.
Greer.	Neal.